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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,519	10/03/2000	Randy Gray Simmons	17498	5365

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EXAMINER

DINH, TUAN T

ART UNIT PAPER NUMBER

2827

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/678,519

Applicant(s)

SIMMONS ET AL.

Examiner

Tuan T Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-5, and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 10, it is unclear. What does applicant meant of "the plastic of said plastic panel at least partially engulf said barbs..." Does applicant meant of "more than one plastic part on said plastic panel?"

Regarding claim 15, lines 1-3, it is unclear. What does applicant meant of "...by the plastic by imparting sufficient energy to the plastic such that said plastic..."

Does applicant meant of "the plastic having sufficient energy?" What cause "energy" to the plastic of the barbs? To examiner plastic having energy does not make sense.

Claims 16-17 recite the limitation "said energy" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear whether claims 16-17 recite method of making steps or whether they are trying to further limit some structure not recited in claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fun et al. (U. S. Patent 6,166,913) in view of Zurek et al. (U. S. Patent 4,912,602).

As best understood to claims 1-4, Fun discloses an I/O card capable of being a PCMCIA card type III standard as shown in figures 1-3 comprising:

a circuit board (30-figure 1, column 2, line 437;

a first and second connectors (31, column 2, line 52) electrically connected to said circuit board (160) and adapted for electrically connecting said circuit board to a host computer (not shown);

a housing (1, column 2, line 22) having said circuit board (30) mounted therein and configured to provide access to said connector (31), said housing comprising a bottom metal panel (20, column 2, line 14) interconnected to a top panel (10, column 2, line 14), said metal panel comprising a plurality of tabs (26, column 2, line 24) with

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barbs (261-figure 1, column 2, line 24) thereon, said top panel (10) having one or more cavities (27, column 2, line 28) receiving said tabs (26); and

wherein the top panel at least partially engulfs said tabs (26) to prevent withdrawal of said tabs from said one or more cavities (27) and thereby interconnect said top and bottom metal panels.

Fun does not disclose a top panel made by plastic; however, Zurek shows a top panel made of plastic having a plurality of cavities (223-228-figure 5, column 3, lines 7-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a top panel made by plastic as taught by Zurek to modify the card of Fun in order to provide a mechanical shock, light weight, and reduce cost for manufacture.

As best understood to claims 16-17, the limitation "said energy, which is a ultrasonic energy, is applied to said metal panel" has been consider. However, the presence of process limitation in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to that product. In re Stephens 145 USPQ 656 (CCPA 1985), and In re Thonpe, 227 USPQ 964., 966..

The claims (16-17) have a method limitation that does not further define by the structure. Therefore, they have the same structure as claim 1.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fun et al. ('913) in view of Zurek et al. ('602) and further in view of Laity (U. S. Patent 5,984,731).

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Regarding claim 5, Fun and Zurek does not show a second connector is an RJ series connector. Laity shows a PCMCIA card (10) having a RJ connector (82, column 5, lines 45-47) disclosed in figures 1, 4, and 6-7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a RJ connector on board as taught by Laity to employ the card of Fun and Zurek in order to directly receive data from another source.

***Allowable Subject Matter***

6. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-1341 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD  
April 7, 2002

  
Kline  
Primary Examiner